IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

Bail Appl..No. 7558 of 2006()

CRIME NO.428/06 OF ERATTUPETTA POLICE STATION.

PETITIONER/1ST ACCUSED:

NOUSHAD, AGED 39 YEARS,
PAZHAYAMPALLIL (H), THADAVANAL, THEKKEKARA,
ERATTUPETTA-2, P.O., KOTTAYAM DIST.

BY ADV. SRI.V.K.PEERMOHAMED KHAN

RESPONDENT: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI A.S.SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7558 OF 2006

DATED THIS THE 21st DAY OF DECEMBER, 2006

O R D E R

Petitioner who is the first accused in Crime No.428/06 of Erattupetta Police Station for offences punishable under section 7 read with section 3(2)(f) of the Essential Commodities Act, 1955, section 23 read with sections 3(1) and (2) of the Petroleum Act, 1989, Clauses 3 (2) and (3) and 4 of the Liquified Petroleum Gas (Regulation of Supply and Distribution) Order and section 191 of the Motor Vehicles Act, 1988, seeks anticipatory bail.

2. Even though the learned Public Prosecutor opposed the application stating that 13 cylinders were recovered from the house of the petitioner who was illicitly using those cylinders contrary to the purpose for which they are intended to be used, I am inclined to direct the petitioner to surrender before the Investigating Officer for custodial interrogation and thereafter to have his regular bail application disposed of.

3. Accordingly, the petitioner shall surrender before the Investigating Officer on any day between 22.12.2006 and

26.12.2006 for the purpose of custodial interrogation and seizure of incriminating materials, if any. The petitioner shall thereafter be produced on the same day before the Magistrate having jurisdiction, who shall consider and dispose of the petitioner's application for regular bail, if any, preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn